CBS MEMORANDUM

FROM: Ronald E. Guttman (LAW)
TO: MS. CLARKE and MR. DRASNIN cc R. Chandler, R. Colloff
DATE: March 5, 1980

Re: MUCC v. CBS

Herewith two articles appearing in Detroit newspapers regarding "Guns of Autumn" and our victory in the District Court.

Enclosure

-The Detroit News-

Wednesday, February 27, 1980

Hunters' lawsuit dismissed

GRAND RAPIDS — (AP) — A controversial 1975 hunting documentary film, "The Guns of Autumn," did not focus on individual members of a Michigan sportsmen's group, a federal judge ruled in dismissing a $300 million suit against CBS.

In a 20-page opinion released yesterday, Federal Judge Noel Fox granted a motion by CBS attorneys for summary judgment, dismissing a libel and slander suit by the Michigan United Conservation Clubs (MUCC), its executive director and several Michigan hunters.

The plaintiffs claimed that the film placed the more than one million Michigan hunters "in a bad light." But Fox said there are too many hunters to claim that the film "can be reasonably understood as referring to the plaintiffs."

THE FILM, televised Sept. 5, 1975, enraged millions of American hunters. It showed a Michigan hunter shooting a bear at a garbage dump and followed hunters through expensive hunting refuges where exotic animals could be killed for a price.

So much controversy was raised that CBS showed another program, "Echoes of the Guns of Autumn," on Sept. 28, 1975.

The second program reported the flood of protest calls to the network, pressure on advertisers to drop their commercials before the film was televised and the irate reaction of some hunters in a small Maine community.

"Nothing in either film indicates that the Michigan hunters who were portrayed belonged to the MUCC; nor do the films imply that the hunting practices were condoned by the MUCC," Fox ruled on the suit filed in October, 1975.

UPI PHOTO

JUDGE FOX: Rules in favor of CBS.

backdrop for a scene in the film that showed hunters in Colorado. Washington is heard to say that animals naturally die by starvation or disease and the hunter's way is humane.

Fox ruled that there was nothing defamatory in Washington's quote and that the statement was consistent with views of hunters across the United States.

DETROIT FREE PRESS

Press

Wednesday, February 27, 1980

Today's Chuckle
Wisdom is knowing when to speak your mind and when to mind your speech.

Hunters Beaten In TV Libel Case

CBS view of show prevails

By SUSAN BROWN
Free Press Staff Writer

A $300 million suit filed in behalf of Michigan hunters against the CBS television network for its hunting documentary "The Guns of Autumn" was dismissed late Monday by a federal judge who ruled the plaintiffs did not prove they were referred to in the film.

U.S. District Judge Noel Fox of Grand Rapids granted a motion by CBS attorneys for summary judgment, dismissing a libel and slander suit by the Michigan United Conservation Clubs (MUCC), its executive director, the chairman of the Michigan House of Representatives Conservation Committee and three hunters.

The documentary, which was broadcast Sept. 5, 1975, enraged hunters and triggered more than 20,000 wrathful letters from people who said the film unfairly depicted hunters.

TWO OF THE most controversial segments were filmed in Michigan. One involved hunters sneaking up and shooting a bear feeding at a garbage dump near Copper Harbor in the Upper Peninsula. The other, filmed at a private game preserve near Ann Arbor, followed hunters tracking [illegible] a deer.

As [illegible]n said [illegible] versi[illegible]onsul[illegible]GC." Fox ruled.

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program Sept. 28, 1975, titled "Echoes of the Guns of Autumn" which reported on the flood of protest calls to the network, pressure on advertisers to drop their commercials before the first film was shown and the irate reaction of some hunters.

MUCC filed a libel and slander suit in October 1975 claiming that the films had humiliated and embarrassed the state's one million hunters.

One expert witness for MUCC filed a deposition which said the documentary was so distorted as to leave a high percentage of viewers with the impression that "the hunters of wild game are . . . ethically and morally debased, unfair, crude, ignorant, infantile, callous, sadistic, disgusting and unworthy of respect in the community."

HOWEVER, Judge Fox ruled that MUCC cannot base its action on a claim that its members were among the more than one million Michigan sport hunters who were defamed and said that the group had not proved its members were referred to in the film.

Fox said in his 20-page opinion that that there were too many Michigan hunters to claim that the documentary "can be reasonably understood as referring to the plaintiffs."

"Nothing in either film indicates that the Michigan hunters who were portrayed belonged to the MUCC; nor do the films imply that the hunting practices which were depicted were condoned by

UPI Photo

Judge Fox, who warned of "any number of vexatious lawsuits."

He also said that to allow the MUCC suit "could invite any number of vexatious lawsuits and seriously interfere with public discussions of issues, or groups, which are in the public eye."

"Such suits are especially damaging to the media, and could result in the public receiving less information about topics of general concern," Fox said.

William Hutchinson, an attorney who represented CBS in the lawsuit, said the film was a "proper representation of certain aspects of hunting. What was shown was true."

HE SAID CBS has maintained throughout the court proceedings that the suit was not justified because the film did not portray or identify the plaintiffs.

"We've always felt that the suit was without merit

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Hunting libel suit dismissed

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and we're pleased that the decision vindicates our position," a spokesman for CBS said Tuesday.

However, Harold Glassen, an attorney representing MUCC in its suit, said he will "strongly recommend" that the group appeal the decision to the U.S. 6th Circuit Court of Appeals.

He said the group had never attempted to prove that individuals were libeled by name in the film. However, he said that Fox's ruling failed to take into account that hunters are a recognized group and that the documentary "libeled each and every member of that group."

He said the decison also failed to address the suit's claim of a conspiracy "to villify all hunters" by CBS and author Cleveland Amory, a technical adviser on the film.

"We have proof of that conspiracy and if we were allowed to go to trial we could have proven it without a doubt," Glassen said.

MUCC Executive Director Tom Washington said he was "extremely disappointed but not the least bit surprised" at the ruling by Fox.

Washington said he had been especially incensed at the documentary because his voice describing the beauty of the forest was dubbed over the opening segment showing the killing of the bear.

Washington said his voice is also heard saying that hunting is a more humane death for animals than dying of starvation or disease while film is shown of two Colorado hunters "unceremoniously tossing a buck into the back of a pickup truck."

HOWEVER, Fox dismissed Washington's claim that he was libeled, ruling that there was nothing defamatory in Washington's quote being used and that the statement represented the views of hunters across the United States.

Washington said his group's executive committee will meet March 7 to decide whether to appeal the decision. He said he thinks the group will decide to appeal, and said Fox is "not fit to sit on the federal bench, or any bench, for that matter."

Judge Fox was in trial and could not be reached for comment Tuesday.

State Rep. Tom Anderson, D-Southgate, chairman of the House Conservation Committee and a plaintiff, said he became a party in the suit "in behalf of all Michigan hunters" who he said had been "maligned" by the film.

"When we filed suit we weren't after money," he said. "I wanted to teach CBS a lesson that prejudicial matter can't be aired under the name documentary."